EMERGENCY ORDER NUMBER 15
PALM BEACH COUNTY COVID-19
REVISED RESTRICTION ON OPERATING HOURS OF RESTAURANTS, FOOD ESTABLISHMENTS, AND OTHER BUSINESSES AND CLARIFICATION OF CURRENT BUSINESS CLOSURES

WHEREAS, COVID-19, a respiratory illness caused by a virus that spreads rapidly from person to person and may result in serious illness or death, constitutes a clear and present threat to the lives, health, welfare, and safety of the people of Palm Beach County; and

WHEREAS, on March 9, 2020, Governor Ron DeSantis issued Executive Order 20-52, declaring a state of emergency for the State of Florida as a result of COVID-19; and

WHEREAS, on March 13, 2020, pursuant to Section 252.38(3)(a)(5), Florida Statutes, Palm Beach County declared a local State of Emergency due to the Coronavirus pandemic, which has since been extended in accordance with applicable law; and

WHEREAS, on March 24, 2020, Governor Ron DeSantis also issued Executive Order 20-83 directing the State Surgeon General and the State Health Officer to issue a public health advisory for senior persons and persons that have a serious underlying medical condition that places them at a high risk of severe illness from COVID-19 to stay at home. Such conditions include, but are not limited to, chronic lung disease or moderate to severe asthma, serious heart conditions, immunocompromised status, including those in cancer treatment, and severe obesity; and

WHEREAS, Governor Ron DeSantis has issued a number of subsequent Executive Orders in response to the COVID-19 pandemic, including Executive Order 20-112, a Phase 1: Safe Smart Step-by-Step Plan for Florida's Recovery, under which the Governor re-opened certain businesses, and Executive Order 20-120 which, among other things, served to include Palm Beach County under Phase 1, and Executive Order 20-123, in which the Governor extended and brought all Florida counties into Full Phase 1; and

WHEREAS, Palm Beach County remains in Phase 1 in accordance with Executive Order 20-123 and Executive Order 20-139 issued by Governor DeSantis on June 3, 2020. The Phase 1 restrictions allow indoor seating in restaurants at 50% capacity with appropriate partitioning in place between parties. Outdoor seating and take-out service is permitted; however, bar counters remain closed to seating, and eating at bars within restaurants is not allowed. Bars and nightclubs remain closed in Palm Beach County; and

WHEREAS, Palm Beach County experienced a sharp increase in the number of positive cases of COVID-19 in late May and June, and the Board of County Commissioners determined that additional measures were needed to minimize the spread of COVID-19. Accordingly, the County Administrator on June 24, 2020 issued an additional order mandating the wearing of facial coverings in all businesses and establishments and in public spaces where social distancing is not possible; and

WHEREAS, there has been a significant increase in COVID-19 positivity among the general population with greater numbers of cases in the teen and young adult age categories; and

WHEREAS, gatherings in restaurants where physical distancing is not being maintained is believed to contribute to the spread of the COVID-19 virus and the County has received complaints and is responding to gatherings in restaurants; and

WHEREAS, on July 14, 2020, in consideration of the foregoing, the Palm Beach County Board of Commissioners directed the County Administrator to rescind the County's request to Governor Ron DeSantis for Palm Beach County to enter Phase 2: Safe Smart Step-by-Step Plan for Florida's Recovery; and

WHEREAS, on July 14, 2020, the Board of County Commissioners discussed, and the County Administrator determined, that it was appropriate and necessary to limit the hours that restaurants and food establishments may serve food and alcohol for on-premises consumption. It was also determined that it was appropriate and necessary to limit the hours of amusement parks, kava, kratom and similar bars and lounges, banquet halls, and ballrooms; and

WHEREAS, on July 14, 2020, Executive Order 20-014 was issued by the County Administrator restricting the hours of alcohol and food services in restaurant and food service establishments and the operating hours of amusement parks, hookah and smoking bars and lounges, kava, kratom and similar bars and lounges, banquet halls, and ballrooms; and

WHEREAS, it is now necessary to clarify the limitation on restaurant hours mandated in Emergency Order 20-014, to limit on-premises consumption during the restricted business hours, and to clarify the Palm Beach County businesses that remain closed under prior order applicable to Palm Beach County.

NOW, THEREFORE, IT IS HEREBY ORDERED pursuant to Palm Beach County Code Chapter 9, Article II, Section 9-35, as well as the authorities granted to me by Declaration of Emergency issued by Governor DeSantis in Executive Order 20-52, by Chapter 252, Florida Statutes, by the Board of County Commissioners, by the Palm Beach County Comprehensive Emergency Management Plan, and as otherwise provided by law, I hereby order as follows:

1. **Recitals.** The foregoing recitals are hereby incorporated herein by reference.

2. **Applicability and Intent.** This Order applies in all incorporated and unincorporated areas of Palm Beach County. This Order is intended to limit the hours of operation

for the activities and businesses identified herein. This Order is not intended to, nor shall it be construed to, authorize any business that is currently prohibited from operating to open. This Order also is not intended to, nor shall it be construed to, authorize any business that is operating in violation of applicable laws to continue such illegal operations, including, but not limited to, any operations in violation of any county or municipal zoning laws or emergency orders.

3. **Repeal and Replacement of Previous Order.** Palm Beach County Emergency Order 20-014 is hereby repealed in its entirety and replaced with this Order.

4. **Restriction of Hours for Alcohol and Food Service**. No establishment permitted to serve alcohol for on-site consumption, whether indoor or outdoor, shall serve alcohol or allow alcohol to be consumed on premises between the hours of 11:00 p.m. and 5:00 a.m. No establishment permitted to serve food for on-site consumption, whether indoor or outdoor, shall serve food or allow food to be consumed on premises between the hours of 11:00 p.m. and 5:00 a.m. Said establishments shall be closed and vacated between the hours of 11:00 p.m. and 5:00 a.m. with the exception of staff performing necessary functions (such as cleaning and closing services) and except for drive-through, pick-up, or take-out services for off-site consumption. Indoor and outdoor seating shall be vacated between the hours of 11:00 p.m. and 5:00 a.m. and shall not be available for customers utilizing pick-up or take-out services.

5. **Restriction on Operating Hours for Certain Businesses and Venues.** Notwithstanding the terms of Section 4, the following businesses and venues, to the extent that they have been authorized to legally operate, shall be closed between the hours of 11:00 p.m. and 5:00 a.m.: amusement parks; kava, kratom, and similar bars and lounges; banquet halls; and ballrooms.

6. **Businesses that Remain Closed.** For clarifying purposes, below is a list of businesses that are closed pursuant to the terms of applicable prior orders, and which remain closed. These businesses do not represent the universe of closed businesses, but serve as a clarifying list to ensure compliance with applicable emergency orders. The operation of any closed business, including, but not limited to, those listed below, is in violation of law and punishable in accordance therewith.
   a. Bars;
   b. Nightclubs, establishments offering adult entertainment, strip clubs;
   c. Hookah, cigar, and other smoking bars and lounges;
   d. Bowling alleys;
   e. Arcades;
   f. Playhouses;
   g. Concert houses;
   h. Movie theaters;
   i. Auditoriums;

j. Other indoor entertainment venues offering, either for participation or observation, recreational opportunities or games of skill in an enclosed building. Such venues include, but not limited to, skating centers, trampoline centers, billiard halls, escape rooms, bingo parlors, casinos, and interactive bars or lounges allowing for sports participation; and

k. Tattoo parlors, body piercing parlors, acupuncture venues, tanning and massage parlors.

7. **Enforcement.** The Sheriff of Palm Beach County, other law enforcement agencies including municipal law enforcement agencies, and any other personnel authorized by law, including, but not limited to, the personnel described in Section 9-37 of the Palm Beach County Code of Ordinances, are authorized to enforce this Order as follows:

a. Pursuant to the authorities granted in Sections 252.46 and 252.47, Florida Statutes, the Sheriff of Palm Beach County and other law enforcement authorities of the State, and the political subdivisions thereof, shall enforce the orders and rules issued pursuant to Sections 252.31 through 252.90, Florida Statutes, including this Order. Any person violating any provision of Sections 252.31 through 252.90, Florida Statutes, or any rule or order made pursuant to the authority granted in Sections 252.31 through 252.90, Florida Statutes, is guilty of a misdemeanor of the second degree, punishable as provided in Sections 775.082 or 775.083, Florida Statutes;

b. The Sheriff of Palm Beach County, other law enforcement personnel, including municipal law enforcement agencies and any other personnel authorized by law, including, but not limited to, the personnel described in Section 9-37 of the Palm Beach County Code of Ordinances, may issue civil citations to enforce this Order. Written or verbal warnings and reasonable time periods to correct shall be provided before citations resulting in fines are issued. However, written or verbal warnings and opportunities to correct are not required if a repeat violation is found or if the code enforcement officer or other authorized enforcement personnel have reason to believe that the violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible. Authorized personnel may issue civil citations for fines as follows: individuals shall be fined twenty-five dollars ($25) for the first violation, fifty dollars ($50) for the second violation, and one-hundred dollars ($100) for each additional violation; businesses shall be fined two-hundred-and-fifty dollars ($250) for the first violation, three-hundred-and-fifty dollars ($350) for the second violation, and five-hundred dollars ($500) for each additional violation. Each incident of a continuing violation shall be deemed a separate additional violation; and

c. Nothing herein is intended to nor shall limit any additional enforcement mechanisms otherwise authorized by law.

8. **Conflicts.** Any provision(s) within this Order that conflict(s) with any state or federal law or constitutional provision, or conflict(s) with, or are superseded by, a current or subsequently-issued Executive Order of the Governor or the President of the United States, shall be deemed inapplicable and deemed to be severed from this Order, with the remainder of the Order remaining intact and in full force and effect. To the extent application of some or all of the provisions of this Order is prohibited on the sovereign land of a federally or state recognized sovereign or Indian tribe, such application is expressly excluded from this Order. The provisions of this Order shall supersede the specific provisions of any previously issued County Emergency Order that is contrary to or in conflict with this Order.

9. **Effective Date.** This Order shall be effective as of 5:00 p.m. on July 23, 2020. This Order shall expire upon the expiration of the existing State of Local Emergency, as same may be extended by subsequent order or declaration, unless earlier terminated by subsequent order or Board of County Commissioners action.

PALM BEACH COUNTY

By: Verdenia C. Baker
County Administrator

July 23, 2020
Date

APPROVED AS TO LEGAL SUFFICIENCY

By: *Denise Marie Nieman*
County Attorney

ATTEST

CLERK & COMPTROLLER

Sharon R. Bock

By: _____

Deputy Clerk